

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**MISSOURI PRIMATE FOUNDATION,
et al.,**

**Plaintiffs and
Counterclaim Defendants,**

v.

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC., et al.,**

**Defendants and
Counterclaim Plaintiffs.**

Case No. 4:16-cv-02163

**COUNTERCLAIM PLAINTIFFS’
MOTION FOR AN ORDER COMPELLING DISCOVERY AGAINST
COUNTERCLAIM DEFENDANT TONIA HADDIX**

Pursuant to Rules 33 and 37 of the Federal Rules of Civil Procedure, Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott (together, “Plaintiffs”) hereby move for an order compelling Counterclaim Defendant Tonia Haddix (“Haddix”) to provide verified responses to interrogatories, as set forth specifically herein. In support of this motion, Plaintiffs submit the accompanying Memorandum of Law, incorporated herein, and state as follows:

1. In response to interrogatories served on her by Plaintiffs, on June 21, 2020, Haddix emailed a document titled “**COUNTERCLAIM PLAINTIFFS’ FIRST INTERROGATORIES TO COUNTERCLAIM DEFENDANT TONIA HADDIX**” [sic] (“Responses,” Exhibit A attached to Declaration of Martina Bernstein (“Bernstein Decl.”)).

2. The Responses were not verified and were otherwise deficient, as detailed in the accompanying Memorandum of Law.

3. Plaintiffs' counsel attempted to confer by telephone with Haddix, but were unable to reach an accord. Specifically, at Plaintiffs' counsel's request, a telephone conference was initiated on June 24, at 11 a.m., to confer about these deficiencies. Martina Bernstein, Jared Goodman, and Haddix participated in the conference. Bernstein Decl. ¶¶ 4, 5.

4. At the beginning of the telephone conference Plaintiffs' counsel explained the reason and purpose of the conference under the applicable rules, and expressed the hope that the need for Court intervention could be avoided if Haddix provided additional information that was omitted from the Responses. *Id.* ¶ 6.

5. Approximately 8 minutes into the conference, after Plaintiffs' counsel had just begun outlining what facts requested in Interrogatories 1 through 5 were still missing, Haddix became irate, stated that she was not interested in what information PETA wanted, that she did not want to talk further, and abruptly hung up. *Id.* ¶¶ 7, 8.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order compelling Haddix to provide full and complete, verified responses to Interrogatories Nos. 1-25;

GRANTING Plaintiffs an award of costs and attorneys' fees relating to the motion to compel; and

GRANTING that Plaintiffs have 14 days from the date of the Order granting this motion for sanctions to file an affidavit detailing these fees and costs.

Dated: June 26, 2020

Respectfully submitted,

/s/ Martina Bernstein
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*Attorneys for Defendants/
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CERTIFICATE OF SERVICE

I certify that on June 26, 2020, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served to the following:

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/s/ Martina Bernstein